

REMARKS

Favorable reconsideration of this Application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing Amendment, Claims 41-43 and 48-68 are pending in the present Application. Claims 41, 48, 53, 55, 60, 62, 67, and 68 have been amended and find support in the specification at least at page 30, line 9. Cosmetic changes are made to Claims 43, 50, 57, and 64. No new matter is added.

By way of summary, the Official Action presents the following issues: Claims 41-43 and 48-68 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bieganski et al. (U.S. Patent No. 6,412,012, hereinafter Bieganski) in view of Medina et al. (U.S. Patent No. 6,959,288, hereinafter Medina).

REJECTION UNDER 35 U.S.C. § 103

The outstanding Official Action has rejected Claims 41-43 and 48-68 under 35 U.S.C. § 103 as being unpatentable over Bieganski in view of Medina. The Official Action contends that Bieganski describes all of the Applicants' claimed features, with the exception of a selection unit configured to create at least two filtering packages . . . However, the Official Action cites Medina as describing this more detailed aspect of the Applicants' claimed advancement and states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references to arrive at the Applicants' claims. Applicants respectfully traverse the rejection.

Applicants' amended Claim 41 recites, *inter alia*, an information processor having a group of contents stored therein, including:

... a computing unit configured to compute a weight related to a number of checkouts per each of the contents based on both the history data and one of the at least two filtering data

sets, the computing unit receiving input from a user to define the filtering criteria of the at least two filtering data sets;
a selecting unit configured to select a content from the group of contents based on the weight computed by the computing unit and to create at least two filtering packages containing the content selected based on the at least two filtering data sets, each of the at least two filtering packages includes information identifying the content selected, and the information identifying the content is capable of being shared by the at least two filtering packages so as to allow the content to belong to both the at least two filtering packages at any given time; and . . . (emphasis added)

Bieganski describes a system and associated method of recommending products to a consumer. As shown in Fig. 2, a compatibility modifier (200) uses a recommendation set (201) in conjunction with a set of item compatibility roles (204). Optional sets, such as shopping set (202) and history set (205), may be used in combination with the recommendation set (201) to determine a recommendation of products to a user.¹ In accordance with this system, recommendations are made, such as when a consumer purchases a wok, a Chinese cookbook may be recommended. Likewise, a recommendation may be made based on a historical dataset (203) for recording the type of camera owned by a user to predict which film and/or batteries to recommend.²

Medina describes a secure digital content electronic distribution system. The control of content usage is enabled through an end user application (195) running on an end user device. To this end, electronic digital content storage (103) is provided to market content (113) through a wide variety of services or applications.³ The electronic digital content storage (103) may employ tools provided by the secure digital content electronic distribution system (100), such as retail business offers, purchase price, pay per lesson price, copy authorization, and target device types, or time-availability restrictions.⁴

¹ Bieganski at Fig. 2; column 7, lines 10-25.

² Bieganski at column 8, lines 13-14; column 8, lines 28-31.

³ Medina at column 10, lines 29-35; column 12, lines 53-56.

⁴ Medina at column 13, lines 1-9.

Conversely, in an exemplary embodiment of the Applicants' invention, an information processor, such as a PC, is provided having a group of contents stored therein. A recording unit of the information processor records history data indicative of usage history of the group of contents. Likewise, the recording unit records at least two filtering data sets, each of the at least two filtering data sets defining a filtering criteria as a computation of a weight per each of the contents in accordance with a respective filtering criteria. A computing unit is configured to compute a weight related to a number of check outs per each of the contents based on both the history data and one of the at least two filtering data sets. The computing unit receives input from a user to define the filtering criteria of the at least two filtering data sets. A selecting unit selects content from the group of contents based on the weight computed by the computing unit to create at least two filtering packages based upon the at least two filtering data sets. Each of the at least two filtering packages includes information identifying the content selected, and the information identifying the content is capable of being shared by at least two filtering packages, so as to allow the content to belong to both the at least two filtering packages at any given time. A display unit displays a list including at least a title of the content selected and the information identifying the content by the selecting unit.

In the Official Action of December 11, 2006 under the heading Response to Arguments, the Examiner provided the following statement:

Applicant's arguments based on newly amended features with respect to claims 41-43 and 48-68 filed on September 25, 2006 have been considered but are moot in view of the new ground(s) of rejection as discussed above. Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., multiple filtering packages are titled "Ten Best Pops" and "Ten Best Rock and Rolls" respectively and the songs in one of these packages share the same song ID) are not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims, See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants note that the cited portion of the previous response was provided to explain the claim terms consistent with the description provided in the specification. This commentary was provided to educate the Examiner as to the use of claim terminology.⁵ In the future, Applicants respectfully request that the Examiner respond to the Applicants' underlined distinctions relative to specific claim terminology and not confuse Applicants' commentary which is provided to facilitate the Examiner's understanding of the claimed advancements. As such, the above-noted discussion is provided again for the purpose of illustrating the Applicants' claimed terminology.

For example, referring to the non-limiting embodiment of the present invention described in the specification, the two filtering packages titled "Ten best pops" and "Ten Best rock 'n' roll's" are created based on the corresponding filtering data sets (i.e., filtering criteria related to Pops and Rock n Roll). Each of the two filtering packages (i.e., groups of songs) includes the information, such as the song ID, identifying the song selected by the selecting unit based on the weight computed by the computing unit. Additionally, a user may edit the Ten Best rock 'n' roll's directly or define a separate filtering criteria altogether. Because the information of the song, such as the song ID, can be shared by the two filtering packages titled "Ten best pops" and "Ten Best rock 'n' roll's," the song can belong to both "Ten best pops" and "Ten Best rock 'n' roll's" at any given time.⁶

Specifically, Applicants note that Bieganski is cited for the proposition of describing a computing unit which receives input for altering at least two filtering data sets. To this end,

⁵ See rejections and objections outlined in the Official Action of May 31, 2006 relative to the discussed claim terms.

⁶ See the present specification at page 30, line 1 to page 31, line 12, page 50, line 13 to page 51, line 10, and Fig. 9, for example.

column 6, lines 43-46 and Figures 3-5 have been cited in the Official Action.⁷ In this regard, Applicants note that the specific citation provided is to the Summary of the Invention section of Bieganski. This section generally discusses that compatibility determinations are modified in accordance with a recommendation set. Thus, this generalization refers to the way by which the Bieganski reference modifies a recommendation set (201) in accordance with a shopping set (202) a history data set (205), and the like. To the extent that these data sets can be considered filtering criteria in accordance with the Applicants' claims, there is no disclosure or suggestion in Bieganski of receiving user input for defining these data sets as recited in the Applicants' amended claims. Medina does not remedy this deficiency nor is it cited for this claim feature in the Official Action.

Neither Bieganski nor Medina alone, or in combination, disclose providing at **least two filtering packages of selected content to an operably linked device for reproduction of the content selected, wherein the filtering criteria of the at least two filtering data sets may be defined by a user** as recited in amended Claim 41, or any claim depending therefrom.

The combined teachings of the cited references are also not believed to render obvious the features of the invention recited in Claims 48, 53, 55, 60 and 62 at least for the above reasons advanced for amended Claim 41 to the extent that Claims 48, 53, 55, 60 and 62 are amended similarly to Claim 41.

Accordingly, Applicants respectfully request the withdrawal of the rejection of independent Claims 41, 48, 53, 55, 60 and 62, and the claims dependent therefrom, based on the combined teachings of Bieganski and Medina.

⁷ See Official Action of December 11, 2006 at page 4.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 41-43 and 48-68, is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

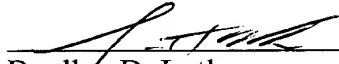
Respectfully submitted,

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